IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.1164 OF 2003
IN
SUMMARY SUIT NO.3375 OF 2003

Kishore Jethmal Thacker ..Plaintiffs

Vs.

Pushparti Packs P.Ltd and Ors. ..Defendants

Mr.Lalit V.Jain for the plaintiffs

None for the defendants

**CORAM : S.U.KAMDAR, J**
**DATED : 31ST AUGUST, 2005**

P.C.:

. The present suit is filed on the basis of goods sold and delivered. The claim in the present case is for Rs.1,00,240/-. In para 2 of the plaint, the learned counsel for the plaintiffs has relied upon the invoices, purchase orders and indicating the delivery of the said goods by the plaintiffs to the defendants. The liability in the present case is also admitted by the defendants which is at Ex.A. Writ of Summons were served. The defendants have filed Vakalatnama seeking leave to defend. The present Summons for Judgment is

also served on the defendant but no reply is filed. On the last occasion when the matter came up on board, I asked the plaintiffs to give fresh notice to the advocate for the defendants. Accordingly, notice is given by letter dt.25.8.05. Inspite of the said notice nobody appears on behalf of the defendants nor any reply has been filed. In view thereof, the present Summons for Judgment is required to be made absolute. The said letter dt.25.8.05 with courier acknowledgement is taken on record. The original Purchase Orders, Goods Consignment Notes are also taken on record and marked Ex.P-1 collectively. In the aforesaid circumstances, suit is decreed as prayed. Suit is disposed of accordingly. In view of the aforesaid Summons for Judgment also does not survive. The same is disposed of as infructuous. Refund of court fee as per rules.